

House Study Bill 629

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to various issues under the purview of the
2 department of corrections including the creation of an inmate
3 labor fund and establishing criminal offenses for certain
4 interstate compact for adult offender supervision violations,
5 and providing a penalty.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5167DP 80
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1 1 Section 1. Section 901.4, Code Supplement 2003, is amended
1 2 to read as follows:
1 3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
1 4 DISTRIBUTION.
1 5 The presentence investigation report is confidential and
1 6 the court shall provide safeguards to ensure its
1 7 confidentiality, including but not limited to sealing the
1 8 report, which may be opened only by further court order. At
1 9 least three days prior to the date set for sentencing, the
1 10 court shall serve all of the presentence investigation report
1 11 upon the defendant's attorney and the attorney for the state,
1 12 and the report shall remain confidential except upon court
1 13 order. However, the court may conceal the identity of the
1 14 person who provided confidential information. The report of a
1 15 medical examination or psychological or psychiatric evaluation
1 16 shall be made available to the attorney for the state and to
1 17 the defendant upon request. The reports are part of the
1 18 record but shall be sealed and opened only on order of the
1 19 court. If the defendant is committed to the custody of the
1 20 Iowa department of corrections and is not a class "A" felon, a
1 21 copy of the presentence investigation report shall be
1 22 forwarded by ordinary or electronic mail to the director with
1 23 the order of commitment by the clerk of the district court and
1 24 to the board of parole at the time of commitment. Pursuant to
1 25 section 904.602, the presentence investigation report may also
1 26 be released by ordinary or electronic mail by the department
1 27 of corrections or a judicial district department of
1 28 correctional services to another jurisdiction for the purpose
1 29 of providing interstate probation and parole compact services
1 30 or evaluations, or to a substance abuse or mental health
1 31 services provider when referring a defendant for services.
1 32 The defendant or the defendant's attorney may file with the
1 33 presentence investigation report, a denial or refutation of
1 34 the allegations, or both, contained in the report. The denial
1 35 or refutation shall be included in the report. If the person
2 1 is sentenced for an offense which requires registration under
2 2 chapter 692A, the court shall release the report by ordinary
2 3 or electronic mail to the department which is responsible
2 4 under section 692A.13A for performing the assessment of risk.
2 5 Sec. 2. Section 904.703, Code 2003, is amended to read as
2 6 follows:
2 7 904.703 SERVICES OF INMATES == INSTITUTIONS AND PUBLIC
2 8 SERVICE == INMATE LABOR FUND.
2 9 1. Inmates shall work on state account in the maintenance
2 10 of state institutions, in the erection, repair, authorized
2 11 demolition, or operation of buildings and works used in
2 12 connection with the institutions, and in industries
2 13 established and maintained in connection with the institutions
2 14 by the director. The director shall encourage the making of
2 15 agreements, including chapter 28E agreements, with departments
2 16 and agencies of the state or its political subdivisions to
2 17 provide products or services under an inmate work program to
2 18 the departments and agencies. The director may implement an
2 19 inmate work program for trustworthy inmates of state
2 20 correctional institutions, under proper supervision, whether

2 21 at work centers located outside the state correctional
2 22 institutions or in construction or maintenance work at public
2 23 or charitable facilities and for other agencies of state,
2 24 county, or local government. The supervision, security, and
2 25 transportation of, and allowances paid to inmates used in
2 26 public service projects shall be provided pursuant to
2 27 agreements, including chapter 28E agreements, made by the
2 28 director and the agency for which the work is done. Housing
2 29 and maintenance shall also be provided pursuant to the
2 30 agreement, including a chapter 28E agreement, unless the
2 31 inmate is housed and maintained in the correctional facility.
2 32 All such work, including but not limited to that provided in
2 33 this section, shall have as its primary purpose the
2 34 development of attitudes, skills, and habit patterns which are
2 35 conducive to inmate rehabilitation. The director may adopt
3 1 rules allowing inmates participating in an inmate work program
3 2 to receive educational or vocational training outside the
3 3 state correctional institutions and away from the work centers
3 4 or public or charitable facilities used under a program.
3 5 ~~However, an 2. An inmate shall not work in a public~~
3 6 service project if the work of that inmate would replace a
3 7 person employed by the state agency or political subdivision,
3 8 which employee is performing the work of the public service
3 9 project at the time the inmate is being considered for work in
3 10 the project.

3 11 3. An inmate labor fund is established under the control
3 12 of the department. All fees, grants, appropriations, or
3 13 reimbursed costs received by the department and related to
3 14 inmate labor shall be deposited into the fund and the moneys
3 15 shall be used by the department to offset staff and
3 16 transportation costs related to providing inmate labor, to
3 17 public entities. Notwithstanding section 8.33, moneys
3 18 remaining in the fund at the end of a fiscal year shall not
3 19 revert to the general fund of the state. Notwithstanding
3 20 section 12C.7, interest and earnings deposited in the fund
3 21 shall be credited to the fund.

3 22 Sec. 3. NEW SECTION. 907B.5 CRIMINAL OFFENSES.

3 23 1. A person on parole, probation, or who is under any
3 24 other form of correctional supervision, in another compacting
3 25 state, shall not reside or remain in this state for a period
3 26 greater than three days in violation of the terms or rules of
3 27 the interstate compact for adult offender supervision.

3 28 2. A person accepted by this state under the interstate
3 29 compact for adult offender supervision shall provide a current
3 30 address to and register with the judicial district department
3 31 of correctional services in which the person resides. If a
3 32 person changes residences, the person shall notify the
3 33 person's probation or parole officer within three days of
3 34 changing residences.

3 35 3. A person accepted by this state under the interstate
4 1 compact for adult offender supervision shall not violate the
4 2 terms and conditions of supervision set by the judicial
4 3 district department of correctional services supervising the
4 4 person.

4 5 4. A person shall not knowingly provide materially false
4 6 information during an investigation to determine the
4 7 appropriateness of placement or acceptance under the
4 8 interstate compact for adult offender supervision.

4 9 5. A person who violates this section commits a serious
4 10 misdemeanor.

4 11 EXPLANATION

4 12 This bill concerns distribution of presentence
4 13 investigation reports, moneys related to inmate labor, and
4 14 persons under supervision in another state.

4 15 The bill provides that a presentence investigation report
4 16 may be provided to several entities by ordinary or electronic
4 17 mail.

4 18 The bill establishes an inmate labor fund. The bill
4 19 provides that all fees, reimbursement costs, grants, or
4 20 appropriations related to inmate labor shall be deposited into
4 21 the fund and the moneys shall be used by the department of
4 22 corrections to offset staff and transportation costs related
4 23 to providing inmate labor to public entities.

4 24 The bill also creates criminal offenses related to the
4 25 interstate compact for adult offender supervision in Code
4 26 chapter 907B. The bill provides that a person under
4 27 supervision in another compacting state shall not reside or
4 28 remain in this state for a period greater than three days in
4 29 violation of the terms or rules of the compact. The bill
4 30 provides that a person accepted under the compact shall
4 31 provide an address to and register with the judicial district

4 32 department of correctional services responsible for
4 33 supervising the person under the compact. The bill provides
4 34 that a person accepted under the compact shall comply with the
4 35 terms and conditions of supervision set by the judicial
5 1 district. The bill also provides that a person shall not
5 2 knowingly provide false information during an investigation to
5 3 determine the appropriateness of placement or acceptance of a
5 4 person under the compact. A person who violates the compact
5 5 supervision provisions of the bill commits a serious
5 6 misdemeanor.
5 7 A serious misdemeanor is punishable by confinement for no
5 8 more than one year and a fine of at least \$250 but not more
5 9 than \$1,500.
5 10 LSB 5167DP 80
5 11 jm/gg/14